



DEPARTMENT OF ENVIRONMENTAL PROTECTION
Monthly Enforcement Report
for actions during July 2010
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This report has been prepared to satisfy a statutory obligation the Maine Department of Environmental Protection has to inform the public of certain enforcement resolutions. Please contact Peter Carney at (207) 287-4305 or peter.j.carney@maine.gov for additional information regarding the activities listed in this report. The full text of most Administrative Consent Agreements is available on the Board of Environmental Protection's website at <http://www.maine.gov/dep/bep/agenda.htm>.

The following cases were resolved to achieve compliance with the law; remediate environmental damage; restore natural resources to appropriate conditions; and impose penalties to deter similar actions in the future.

Administrative Consent Agreements Approved by the Board of Environmental Protection and Office of the Attorney General (party followed by location):

Solid Waste:

Maine Energy Recovery Company, Limited Partnership, Biddeford, Maine. Maine Energy Recovery Company, Limited Partnership ("MERC") violated provisions of the Department's *Solid Waste Management Rules* for *Incineration Facilities* by failing to undertake suitable measures to control odor. Specifically, an unusually high level of decomposition-related odor was released to the area surrounding the facility when waste material was being processed. The factors resulting in the release of the odor included: waste not being cleared from the facility's tipping floor in a timely manner; wind lift of the primary shredder cover due to a storm event that coincided with the processing of the older, unusually odiferous waste; and possible leakage of air from a broken air handling duct some or all of which originates in the tipping and processing areas of the facility. To resolve the violation, MERC agreed to modify the facility's operations manual to include: best management practices for management of waste on the tipping floor; installation, operation, and monitoring of a remotely operated camera to monitor the condition and operation of the primary shredder enclosure cover; and a program for proactively assessing components of the facility's air handling ductwork. In addition, MERC agreed to immediately contact the Department to report odor complaints received by the facility in accordance with Department rules, and paid a civil monetary penalty of \$3,220.00.

Superior Court Enforcement Resolutions (party followed by location):

Land:

State of Maine and Maine Department of Environmental Protection v. John P. Jabar, Jr. and Westview Estates, LLC: In a complaint filed by the State, the State alleged that John P. Jabar, Jr. ("Jabar") and Westview Estates, LLC ("Westview") violated Maine's *Storm Water Management* law by acting contrary to the provisions of a Department licensing order issued under the *Storm Water Management* law for the construction of a subdivision by failing to maintain storm water buffers and failing to comply with approved plans intended to address concentrated flows on individual lots. In addition, the State alleged that Jabar and Westview violated Maine's *Natural Resources Protection Act* by dredging, bulldozing, removing or displacing soil and vegetation, and filling with sod and crushed stone adjacent to a great pond, which is a protected natural resource, without first obtaining approval from the Department. To resolve the allegations, the parties entered into a Consent Decree, which was approved by the Superior Court, in which Jabar and Westview admitted the facts and allegations set forth in the State's complaint. Pursuant to the terms of the Decree, Jabar and Westview will implement a restoration plan and pay \$30,000 as a civil monetary penalty.